

# House Daily Reader

**Thursday, February 23, 2012**

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# State of South Dakota

EIGHTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2012

580T0139

## SENATE HEALTH AND HUMAN SERVICES ENGROSSED NO. **HB 1263** - 2/15/2012

Introduced by: Representatives Deelstra, Abdallah, Hansen (Jon), Jensen, Munsterman, Nelson (Stace), and Russell and Senators Peters, Cutler, Haverly, and Novstrup (Al)

1 FOR AN ACT ENTITLED, An Act to provide for mandatory HIV testing for any person  
2 convicted of prostitution or solicitation of prostitution and to provide for appropriate  
3 utilization of the test results.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. Any person convicted of prostitution or solicitation of prostitution shall be  
6 required, with or without that person's consent, to undergo a standard diagnostic test for human  
7 immunodeficiency virus (HIV) under the testing protocol of the Department of Health.

8 Section 2. After conviction, but prior to sentencing, the court shall order the convicted  
9 person to submit to an HIV test and shall issue a warrant to collect a blood sample from that  
10 person. A health professional licensed or certified to do so shall take the blood samples required  
11 for testing and forward them to the Department of Health. The Department of Health shall  
12 initiate the test for HIV within forty-eight hours after the department receives the blood sample.  
13 If the screening test required by this section indicates the presence of antibodies to HIV, the  
14 court shall order the person to undergo a confirmatory test.



1       Section 3. The court shall order the convicted person to pay the cost of the testing. The cost  
2       shall be treated as any other court cost or fine under chapter 23A-27. If the person tested is an  
3       inmate under the jurisdiction of the Department of Corrections, the cost of testing shall be taken  
4       from the person's inmate account pursuant to § 24-2-29.

5       Section 4. The final test results shall be reported to the person tested along with  
6       precautionary, medical care, and counseling information. Except as provided in section 5 of this  
7       Act, the results of the test shall remain confidential.

8       Section 5. Any person who may have had sexual relations with or otherwise exchanged  
9       bodily fluids with the tested person may petition the court to receive the results of the HIV test.  
10      The petition shall state that the petitioner believes there was an exchange of blood, semen, or  
11      other bodily fluids with the tested person and shall state the factual basis for believing there was  
12      such an exchange. The court shall hold a hearing at which both the petitioner and the tested  
13      person may be present. If the court finds probable cause that there was an exchange of blood,  
14      semen, or other bodily fluids, the court may issue an order releasing the test results to the  
15      petitioner.

16      Section 6. The results of the test may not be used as evidence in any criminal prosecution.  
17      All persons involved in carrying out the provisions of this Act shall act in a manner that will  
18      protect the confidentiality of the petitioner and the person tested, including sealing relevant  
19      court records as provided in § 23A-35B-5.

# State of South Dakota

## EIGHTY-SEVENTH SESSION LEGISLATIVE ASSEMBLY, 2012

400T0411

### SENATE ENGROSSED NO. **SB 48** - 2/14/2012

Introduced by: The Committee on Appropriations at the request of the Bureau of Finance and Management

1 FOR AN ACT ENTITLED, An Act to revise the General Appropriations Act for fiscal year  
2 2012.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That section 2 of chapter 23 of the 2011 Session Laws be amended to read as  
5 follows:

6 DEPARTMENT OF EXECUTIVE MANAGEMENT

7 (3) Governor's Office of Economic Development

8 Operating Expenses, General Funds, delete "\$829,298" and insert "\$5,829,298"

9 Operating Expenses, Other Funds, delete "\$15,968,933" and insert "\$20,968,933"

10 Adjust all totals accordingly.

11 Section 2. That section 2 of chapter 23 of the 2011 Session Laws be amended to read as  
12 follows:

13 DEPARTMENT OF EXECUTIVE MANAGEMENT

14 (22) Statewide Maintenance and Repair

15 Operating Expenses, General Funds, delete "\$2,351,009" and insert "\$4,390,285"



1 Adjust all totals accordingly.

2 Section 3. That section 2 of chapter 23 of the 2011 Session Laws be amended to read as  
3 follows:

4 DEPARTMENT OF EXECUTIVE MANAGEMENT

5 (28) Telecommunications Services

6 Operating Expenses, Other Funds, delete "\$8,770,952" and insert "\$9,140,952"

7 Adjust all totals accordingly.

8 Section 4. That section 7 of chapter 23 of the 2011 Session Laws be amended to read as  
9 follows:

10 DEPARTMENT OF TRIBAL RELATIONS

11 (1) Office of Tribal Relations

12 Operating Expenses, Other Funds, delete "\$0" and insert "\$50,000"

13 Adjust all totals accordingly.

14 Section 5. That section 9 of chapter 23 of the 2011 Session Laws be amended to read as  
15 follows:

16 DEPARTMENT OF HEALTH

17 (3) Health and Medical Services

18 Operating Expenses, General Funds, delete "\$2,100,803" and insert "\$2,449,803"

19 FTE, delete "176.5" and insert "178.5"

20 Adjust all totals accordingly.

21 Section 6. That section 10 of chapter 23 of the 2011 Session Laws be amended to read as  
22 follows:

23 DEPARTMENT OF LABOR AND REGULATION

24 (1) Administration, Secretary of Labor

1           Operating Expenses, General Funds, delete "\$180,000" and insert "\$430,000"

2   Adjust all totals accordingly.

3           Section 7. That section 10 of chapter 23 of the 2011 Session Laws be amended to read as  
4 follows:

5   DEPARTMENT OF LABOR AND REGULATION

6       (16) South Dakota Retirement System

7           Personal Services, Other Funds, delete "\$1,836,902" and insert "\$1,846,700"

8           Operating Expenses, Other Funds, delete "\$1,503,708" and insert "\$1,537,162"

9   Adjust all totals accordingly.

10          Section 8. That section 12 of chapter 23 of the 2011 Session Laws be amended to read as  
11 follows:

12   DEPARTMENT OF EDUCATION

13       (11) Education Resources

14           Operating Expenses, General Funds, delete "\$4,778,181" and insert "\$4,815,181"

15   Adjust all totals accordingly.

16          Section 9. That section 13 of chapter 23 of the 2011 Session Laws be amended to read as  
17 follows:

18   DEPARTMENT OF PUBLIC SAFETY

19       (4) Inspection and Licensing

20           Operating Expenses, Other Funds, delete "2,865,047" and insert "2,893,047"

21   Adjust all totals accordingly.

22          Section 10. That section 14 of chapter 23 of the 2011 Session Laws be amended to read as  
23 follows:

24   BOARD OF REGENTS

(1) Regents Central Office

Operating Expenses, Other Funds, delete "\$32,265,151" and insert "\$35,890,151"

Adjust all totals accordingly.

Section 11. That section 14 of chapter 23 of the 2011 Session Laws be amended to read as follows:

BOARD OF REGENTS

(2) South Dakota Scholarships

Operating Expenses, General Funds, delete "\$4,156,341" and insert "\$4,271,499"

Adjust all totals accordingly.

Section 12. That section 14 of chapter 23 of the 2011 Session Laws be amended to read as follows:

BOARD OF REGENTS

(4) University of South Dakota Proper

Operating Expenses, General Funds, delete "\$178,715" and insert "\$152,086"

Adjust all totals accordingly.

Section 13. That section 14 of chapter 23 of the 2011 Session Laws be amended to read as follows:

BOARD OF REGENTS

(6) South Dakota State University Proper

Operating Expenses, General Funds, delete "\$306,900" and insert "\$247,525"

Adjust all totals accordingly.

Section 14. That section 14 of chapter 23 of the 2011 Session Laws be amended to read as follows:

BOARD OF REGENTS

(9) South Dakota School of Mines and Technology

Operating Expenses, General Funds, delete "\$298,066" and insert "\$289,713"

Adjust all totals accordingly.

Section 15. That section 14 of chapter 23 of the 2011 Session Laws be amended to read as follows:

BOARD OF REGENTS

(10) Northern State University

Operating Expenses, General Funds, delete "\$344,135" and insert "\$338,106"

Adjust all totals accordingly.

Section 16. That section 14 of chapter 23 of the 2011 Session Laws be amended to read as follows:

BOARD OF REGENTS

(11) Black Hills State University

Operating Expenses, General Funds, delete "\$40,173" and insert "\$30,392"

Adjust all totals accordingly.

Section 17. That section 14 of chapter 23 of the 2011 Session Laws be amended to read as follows:

BOARD OF REGENTS

(12) Dakota State University

Personal Services, Other Funds, delete "\$9,983,132" and insert "\$10,083,132"

Operating Expenses, General Funds, delete "\$64,187" and insert "\$60,192"

Operating Expenses, Other Funds, delete "\$8,634,279" and insert "\$9,384,279"

Adjust all totals accordingly.

Section 18. That section 14 of chapter 23 of the 2011 Session Laws be amended to read as



1 follows:

2 BOARD OF REGENTS

3 (13) South Dakota School for the Deaf

4 Operating Expenses, General Funds, delete "\$1,222,737" and insert "\$1,222,173"

5 Adjust all totals accordingly.

6 Section 19. That section 14 of chapter 23 of the 2011 Session Laws be amended to read as

7 follows:

8 BOARD OF REGENTS

9 (14) South Dakota School for the Blind and Visually Impaired

10 Operating Expenses, General Funds, delete "\$276,322" and insert "\$275,890"

11 Adjust all totals accordingly.

12 Section 20. That section 16 of chapter 23 of the 2011 Session Laws be amended to read as

13 follows:

14 DEPARTMENT OF VETERANS' AFFAIRS

15 (2) State Veterans' Home

16 Personal Services, General Funds, delete "\$1,412,567" and insert "\$1,419,513"

17 Personal Services, Federal Funds, delete "\$0" and insert "\$3,836"

18 Personal Services, Other Funds, delete "\$2,123,359" and insert "\$2,139,532"

19 FTE, delete "82.7" and insert "85.3"

20 Adjust all totals accordingly.

21 Section 21. That section 17 of chapter 23 of the 2011 Session Laws be amended to read as

22 follows:

23 DEPARTMENT OF CORRECTIONS

24 (1) Administration

1           Operating Expenses, General Funds, delete "\$16,205,994" and insert "\$15,855,804"

2   Adjust all totals accordingly.

3           Section 22. That section 17 of chapter 23 of the 2011 Session Laws be amended to read as  
4 follows:

5   DEPARTMENT OF CORRECTIONS

6           (2) Mike Durfee State Prison

7           Operating Expenses, Other Funds, delete "\$241,042" and insert "\$1,066,042"

8   Adjust all totals accordingly.

9           Section 23. That section 17 of chapter 23 of the 2011 Session Laws be amended to read as  
10 follows:

11   DEPARTMENT OF CORRECTIONS

12           (3) State Penitentiary

13           Personal Services, General Funds, delete "\$12,386,075" and insert "\$12,425,406"

14           Personal Services, Other Funds, delete "\$99,232" and insert "\$177,894"

15           Operating Expenses, Other Funds, delete "\$135,962" and insert "\$661,162"

16           FTE, delete "277.5" and insert "281.5"

17   Adjust all totals accordingly.

18           Section 24. That section 17 of chapter 23 of the 2011 Session Laws be amended to read as  
19 follows:

20   DEPARTMENT OF CORRECTIONS

21           (4) Women's Prison

22           Operating Expenses, General Funds, delete "\$900,563" and insert "\$877,858"

23           FTE, delete "50.0" and insert "52.0"

24   Adjust all totals accordingly.

1 Section 25. That section 17 of chapter 23 of the 2011 Session Laws be amended to read as  
2 follows:

3 DEPARTMENT OF CORRECTIONS

4 (6) Community Service

5 FTE, delete "75.1" and insert "76.1"

6 Adjust all totals accordingly.

7 Section 26. That section 17 of chapter 23 of the 2011 Session Laws be amended to read as  
8 follows:

9 DEPARTMENT OF CORRECTIONS

10 (11) State Treatment and Rehabilitation Academy

11 Operating Expenses, Other Funds, delete "\$128,000" and insert "\$523,000"

12 Adjust all totals accordingly.

13 Section 27. That chapter 23 of the 2011 Session Laws be amended to be adding thereto a  
14 NEW SECTION to read as follows:

15 Section 36. The state treasurer shall transfer to the railroad trust fund four million dollars  
16 (\$4,000,000), from the state general fund.

17 Section 28. Up to twenty million dollars (\$20,000,000) in general funds appropriated in  
18 subsection (3) of section 8 of chapter 23 of the 2011 Session Laws which are unspent at the end  
19 of fiscal year 2012 may be carried over to fiscal year 2013 for Medical and Adult Services.  
20 Federal and other funds appropriated in subsection (3) of section 8 of chapter 23 of the 2011  
21 Session Laws which are unspent at the end of fiscal year 2012 may be carried over to fiscal year  
22 2013 for Medical and Adult Services.

23 Section 29. Funds appropriated by this Act which are unspent at the end of fiscal year 2012  
24 may be carried over to fiscal year 2013.

1       Section 30. This Act is effective June 20, 2012.

# State of South Dakota

EIGHTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2012

637T0119

## SENATE JUDICIARY ENGROSSED NO. **SB 68** - 1/31/2012

Introduced by: Senators Johnston, Buhl, and Cutler and Representatives Haggar, Abdallah, Deelstra, Hickey, Kopp, Magstadt, and Turbiville

1 FOR AN ACT ENTITLED, An Act to provide that no statute of limitations applies to certain  
2 rape offenses.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 22-22-1 be amended to read as follows:

5 22-22-1. Rape is an act of sexual penetration accomplished with any person under any of  
6 the following circumstances:

7 (1) If the victim is less than thirteen years of age; or

8 (2) Through the use of force, coercion, or threats of immediate and great bodily harm  
9 against the victim or other persons within the victim's presence, accompanied by  
10 apparent power of execution; or

11 (3) If the victim is incapable, because of physical or mental incapacity, of giving consent  
12 to such act; or

13 (4) If the victim is incapable of giving consent because of any intoxicating, narcotic, or  
14 anesthetic agent or hypnosis; or



1       (5)    If the victim is thirteen years of age, but less than sixteen years of age, and the  
2               perpetrator is at least three years older than the victim.

3       A violation of subdivision (1) of this section is rape in the first degree, which is a Class C  
4   felony. A violation of subdivision (2) of this section is rape in the second degree which is a  
5   Class 1 felony. A violation of subdivision (3) or (4) of this section is rape in the third degree,  
6   which is a Class 2 felony. A violation of subdivision (5) of this section is rape in the fourth  
7   degree, which is a Class 3 felony. Notwithstanding the provisions of § 23A-42-2-a, no statute  
8   of limitations applies to any charge brought pursuant to subdivisions (1) or (2) of this section  
9   ~~may be commenced at any time prior to the time the victim becomes age twenty-five or within~~  
10   ~~seven years of the commission of the crime, whichever is longer. Otherwise a charge brought~~  
11   pursuant to this section may be commenced at any time prior to the time the victim becomes of  
12   age twenty-five or within seven years of the commission of the crime, whichever is longer.

# State of South Dakota

EIGHTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2012

397T0625

## SENATE JUDICIARY ENGROSSED NO. **SB 78** 1/26/2012

Introduced by: Senators Olson (Russell), Johnston, Krebs, Nygaard, Peters, Rampelberg, and Vehle and Representatives Fargen, Blake, Gibson, Hansen (Jon), Killer, Kirkeby, Lucas, Sigdestad, Stricherz, and Tornow

1 FOR AN ACT ENTITLED, An Act to allow an arrest to be expunged when the criminal case  
2 is dismissed.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 23A-3-27 be amended to read as follows:

5 23A-3-27. An arrested person may apply to the court that would have jurisdiction over the  
6 crime for which the person was arrested, for entry of an order expunging the record of the arrest  
7 ~~after one year from the date of any arrest, if no accusatory instrument was filed, or at any time~~  
8 ~~after an acquittal;~~

9 (1) After one year from the date of any arrest if no accusatory instrument was filed;

10 (2) With the consent of the prosecuting attorney at any time after the prosecuting  
11 attorney formally dismisses the entire criminal case on the record; or

12 (3) At any time after an acquittal.



# State of South Dakota

EIGHTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2012

777T0692

## SENATE EDUCATION ENGROSSED NO. **SB 127** - 2/2/2012

Introduced by: Senators Brown, Haverly, Novstrup (Al), Peters, and Tidemann and  
Representatives Cronin and Wink

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding educational data  
2 reporting.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 13-3-51 be amended to read as follows:

5 13-3-51. The secretary of the Department of Education shall establish a uniform system for  
6 the gathering and reporting of educational data for the keeping of adequate educational and  
7 financial records and for the evaluation of educational progress. Any school district or school  
8 seeking state accreditation shall submit enrollment data, personnel data, and verify all state and  
9 federal standards for accreditation and approval of schools, including those related to safety and  
10 educational equity of the school district or school by October fifteenth of each year. Any school  
11 district with an average daily membership as defined in § 13-13-10.1 of greater than five  
12 thousand in the previous school fiscal year has an additional seven days to submit the required  
13 data. If the due date falls on a weekend or state holiday, the due date is the next business day  
14 following the scheduled due date. Any public school district shall also submit to a survey





1 regarding the district's budget, programs, workforce, or other related data by October fifteenth  
2 of each year, if required by the South Dakota Department of Education. An annual written  
3 evaluation of the educational progress in the state and in each school district shall be submitted  
4 to the Legislature and made available in each school district to the general public. The South  
5 Dakota Board of Education may promulgate rules pursuant to chapter 1-26 to further define the  
6 data required pursuant to this section.

# State of South Dakota

## EIGHTY-SEVENTH SESSION LEGISLATIVE ASSEMBLY, 2012

295T0741

### SENATE JUDICIARY ENGROSSED NO. **SB 156** 2/2/2012

Introduced by: Senators Tieszen, Cutler, Holien, and Rave and Representatives Lust, Cronin, Gibson, Hoffman, Moser, Sly, Turbiville, and Wick

1 FOR AN ACT ENTITLED, An Act to establish strangulation as one element of the crime of  
2 aggravated assault.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 22-18-1.1 be amended to read as follows:

5 22-18-1.1. Any person who:

6 (1) Attempts to cause serious bodily injury to another, or causes such injury, under  
7 circumstances manifesting extreme indifference to the value of human life;

8 (2) Attempts to cause, or knowingly causes, bodily injury to another with a dangerous  
9 weapon;

10 (3) Deleted by SL 2005, ch 120, § 2;

11 (4) Assaults another with intent to commit bodily injury which results in serious bodily  
12 injury;

13 (5) Attempts by physical menace with a deadly weapon to put another in fear of  
14 imminent serious bodily harm; ~~or~~



1 (6) Deleted by SL 2005, ch 120, § 2;

2 (7) Intentionally or recklessly causes serious bodily injury to an infant, less than three  
3 years old, by causing any intracranial or intraocular bleeding, or swelling of or  
4 damage to the brain, whether caused by blows, shaking, or causing the infant's head  
5 to impact with an object or surface; or

6 (8) Attempts to induce a fear of death or imminent serious bodily harm by impeding the  
7 normal breathing or circulation of the blood of another person by applying pressure  
8 on the throat or neck, or by blocking the nose and mouth;

9 is guilty of aggravated assault. Aggravated assault is a Class 3 felony. However, a violation of  
10 subdivision (7) is a Class 2 felony. A second or subsequent violation of subdivision (7) is a  
11 Class 1 felony.

# State of South Dakota

EIGHTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2012

400T0728

## SENATE EDUCATION ENGROSSED NO. **SB 191** - 2/7/2012

Introduced by: The Committee on Education at the request of the Office of the Governor

1 FOR AN ACT ENTITLED, An Act to provide for authorization to offer postsecondary  
2 education services in South Dakota.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 13-48 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 The terms used in this Act mean:

- 7 (1) "Accredited" or "accreditation," the status of public recognition that an accrediting  
8 agency recognized by the United States Department of Education pursuant to Title  
9 IV of the Higher Education Act of 1965 (20 U.S.C. § 1070 et seq.) as amended to  
10 January 1, 2012, grants to an institution or educational program that meets the  
11 agency's established requirements;
- 12 (2) "Complaint," an allegation that a postsecondary institution does not meet the  
13 requirements of this Act; an allegation that a postsecondary institution violated  
14 chapter 37-24; or an allegation raised by a student that a postsecondary institution  
15 does not meet standards established by the institution's accrediting agency;



1       (3)    "Secretary," the secretary of state;

2       (4)    "Educational program," a program of organized instruction or study beyond  
3               secondary education that leads to an academic, professional, or vocational degree, or  
4               certificate, or other recognized educational credential;

5       (5)    "Federal student financial assistance programs," federal student financial assistance  
6               program authorized by Title IV of the Higher Education Act of 1965 (20 U.S.C.  
7               Section 1070 et seq.), as amended to January 1, 2012;

8       (6)    "Postsecondary institution," a person, business entity, nonprofit corporation or  
9               government entity that operates educational programs beyond secondary education.

10       Section 2. That chapter 13-48 be amended by adding thereto a NEW SECTION to read as  
11       follows:

12       No postsecondary institution may provide educational programs at physical locations in this  
13       state unless it has been issued a certificate of authorization to provide postsecondary education  
14       as provided in this Act. Additionally, except for such postsecondary institutions providing  
15       educational programs at physical locations in this state on the effective date of this Act, no  
16       postsecondary institution may publicize the availability in this state of such programs unless it  
17       has been issued a certificate of authorization to provide postsecondary education as provided  
18       in this Act.

19       Section 3. That chapter 13-48 be amended by adding thereto a NEW SECTION to read as  
20       follows:

21       To ensure that postsecondary institutions legally operating in this state as of this date and  
22       participating in the federal student financial assistance programs may comply with the state  
23       authorization regulations promulgated by the United States Department of Education on  
24       October 29, 2010, codified at 34 C.F.R. Section 600.9 and effective as of July 1, 2011, the

1 following postsecondary institutions are acknowledged by the Legislature as being authorized  
2 to provide educational programs at physical locations in this state, subject to the provisions of  
3 section 5 of this Act:

4 (1) Augustana College;

5 (2) Avera McKennan Hospital School of Radiologic Technology;

6 (3) Avera Sacred Heart Hospital of Radiologic Technology;

7 (4) Black Hills State University;

8 (5) Colorado Technical University;

9 (6) Dakota State University;

10 (7) Dakota Wesleyan University;

11 (8) Globe University;

12 (9) Kilian Community College;

13 (10) Lake Area Technical Institute;

14 (11) Mitchell Technical Institute;

15 (12) Mount Marty College;

16 (13) National American University;

17 (14) Northern State University;

18 (15) Presentation College;

19 (16) Sanford Medical Center;

20 (17) Sioux Falls Seminary;

21 (18) South Dakota School of Mines and Technology;

22 (19) South Dakota State University;

23 (20) Southeast Technical Institute;

24 (21) University of Sioux Falls;

(22) University of South Dakota; and

(23) Western Dakota Technical Institute.

Section 4. That chapter 13-48 be amended by adding thereto a NEW SECTION to read as follows:

The secretary shall issue a certificate of authorization to provide postsecondary education to any postsecondary institution named in section 3 of this Act. The secretary also may issue a certificate of authorization to provide postsecondary education to any other postsecondary institution to provide educational programs at physical locations in this state if the postsecondary institution:

(1) Is established as an instrumentality of this state, or is legally established to operate as a private business entity or nonprofit corporation in accordance with applicable state law; and

(2) Is accredited or is operating under an affiliation agreement whose terms make an accredited postsecondary institution responsible for awarding academic credit and educational credentials to its students and maintaining transcripts for such students.

Section 5. That chapter 13-48 be amended by adding thereto a NEW SECTION to read as follows:

Authorization to provide educational programs at physical locations in this state, once granted by the secretary, is continuous so long as the postsecondary institution continues to meet the requirements set forth in section 4 of this Act.

Section 6. That chapter 13-48 be amended by adding thereto a NEW SECTION to read as follows:

The secretary shall maintain a registry of all postsecondary institutions authorized by this Act and such other postsecondary institutions for which it has issued a certificate of

1 authorization to provide postsecondary education. If any institution changes the name under  
2 which it operates its educational programs, or the physical location of any campus, the  
3 institutions shall notify the secretary in writing within thirty days of such change and the  
4 secretary shall, as needed, issue an updated certificate of authorization to provide postsecondary  
5 education. The secretary shall develop, by rules promulgated pursuant to chapter 1-26, such  
6 forms and procedures as may be necessary to administer the requirements of this Act.

7 Section 7. That chapter 13-48 be amended by adding thereto a NEW SECTION to read as  
8 follows:

9 The Office of Attorney General, Division of Consumer Protection, shall review and act on  
10 complaints, as such term is defined by this Act, concerning postsecondary institutions providing  
11 educational programs at physical locations in the state, including, as necessary, requiring a  
12 postsecondary institution to cease its operations in the state. If a complaint relates to a  
13 postsecondary institution controlled by the Board of Regents, the attorney general shall refer the  
14 matter to the Board of Regents. In all other cases, the attorney general shall refer the complaint  
15 to the institution and provide the institution with no less than thirty days to respond to the  
16 matters set forth in the complaint, including an opportunity to demonstrate any actions it has  
17 taken or plans to take in response to the complaint, and to consider whether the complainant has  
18 exhausted all available administrative remedies within the institutions's policies and procedures.  
19 In administering the requirements of this section, the attorney general may refer a complaint to  
20 an institution's accrediting agency for review and investigation, with the accrediting agency  
21 providing a report of its investigation to the attorney general for further disposition. In enforcing  
22 this Act, the attorney general has all the enforcement powers, authorities, and remedies provided  
23 by chapter 37-24.

24 Section 8. That chapter 13-48 be amended by adding thereto a NEW SECTION to read as



1 follows:

2 The provisions of this Act do not apply to postsecondary institutions:

3 (1) Established by the government of the United States;

4 (2) Established by the government of an Indian tribe whose tribal lands are located, in  
5 whole or in part, in this state;

6 (3) Established by owned, controlled, operated, and maintained by a religious  
7 organization lawfully operating as a nonprofit religious corporation and awarding  
8 only religious degrees or certificates for the purpose of conferring clerical status or  
9 authority within that religion; or

10 (4) Subject to the jurisdiction and regulations to the South Dakota Cosmetology  
11 Commission.